

HOUSE BILL NO. 652

INTRODUCED BY COHENOUR

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A SCHOOL DISTRICT TO EXTEND A BUS ROUTE ACROSS ANOTHER SCHOOL DISTRICT IN ORDER TO PROVIDE TRANSPORTATION TO STUDENTS WITHIN ITS OWN DISTRICT; ~~CLARIFYING THE TRANSPORTATION OF STUDENTS IF A HIGH SCHOOL TRANSPORTATION SERVICE AREA ENCOMPASSES AN INDEPENDENT ELEMENTARY DISTRICT;~~ AMENDING SECTION 20-10-126, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-10-126, MCA, is amended to read:

"20-10-126. Establishment of transportation service areas. (1) The territory of a transportation service area is the territory of a school district unless the county transportation committee approves alternative boundaries after determining that the adjustments will improve pupil safety, transportation efficiency, or the cost-effectiveness of the pupil transportation system of the county.

(2) (a) ~~A~~ Except as provided in subsection ~~(2)(b) (2)(c) (2)(B)~~, a district may not extend a bus route to transport pupils from outside its transportation service area unless the district has a written agreement with the district that the county transportation committee has assigned to transport the pupils.

~~(b) (i) SUBJECT TO SUBSECTION (2)(B)(ii), IF A HIGH SCHOOL TRANSPORTATION SERVICE AREA ENCOMPASSES AN INDEPENDENT ELEMENTARY SCHOOL DISTRICT, THE TRANSPORTATION SERVICE AREA WITHIN THE INDEPENDENT ELEMENTARY DISTRICT IS LIMITED TO HIGH SCHOOL PUPILS.~~

~~(ii) A HIGH SCHOOL DISTRICT MAY NOT TRANSPORT PUPILS FROM AN INDEPENDENT ELEMENTARY DISTRICT WITHIN A HIGH SCHOOL DISTRICT WITHOUT THE APPROVAL OF THE TRUSTEES OF BOTH THE HIGH SCHOOL DISTRICT AND THE INDEPENDENT ELEMENTARY DISTRICT.~~

~~(b)(c)(B)~~ A district may extend a bus route across another transportation service area if the district determines that it is necessary in order to provide transportation to pupils in the district's own transportation service area. Under this subsection ~~(2)(b) (2)(c) (2)(B)~~, a district may not transport pupils from outside its transportation service area.

(3) When the trustees of two or more districts enter into a written agreement to authorize transportation

1 services among transportation service areas, a copy of the agreement must be submitted to the county
2 superintendent and approved by the county transportation committee. Upon approval by the committee, the
3 transportation agreements are valid for the current school year.

4 (4) The trustees of any district who object to a particular bus route or transportation service area to
5 which the district has been assigned may request a transfer to another bus route or transportation service area.
6 The county transportation committee may transfer the territory of the district to an adjacent transportation service
7 area or approved bus route with the consent of the district providing transportation in the adjacent transportation
8 service area.

9 (5) The trustees of any district who object to a bus route operated by another district may bring that
10 route to the attention of the county transportation committee. If the committee agrees that the district is operating
11 a portion of its route as an unapproved route outside of its district boundaries, the committee shall file with the
12 district a written warning concerning the unapproved route, and if the district, in spite of the warning, continues
13 to operate the route, the committee may withdraw its approval of the entire route.

14 (6) If the qualified electors of the district object to the decision of the county transportation committee
15 and the adjacent district is willing to provide school bus service, 20% of the qualified electors, as prescribed in
16 20-20-301, may petition the trustees to conduct an election on the proposition that the territory of the district be
17 transferred for pupil transportation purposes to the adjacent transportation service area. If a satisfactory petition
18 is presented to the trustees, the trustees shall call an election on the proposition in accordance with 20-20-201
19 for the next ensuing regular school election day. The election must be conducted in accordance with the school
20 election laws. If a majority of those voting at the election approve the transfer, the transfer is effective on July
21 1 of the ensuing school fiscal year.

22 (7) Unless a transfer of territory from one transportation service area or approved bus route to another
23 area or bus route is approved by the superintendent of public instruction and the county transportation
24 committee, the state transportation reimbursement is limited to the reimbursement amount for pupil
25 transportation to the nearest operating public elementary school or public high school, whichever is appropriate
26 for the affected pupils."

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28 **NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 2005.

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